

STATE OF MARYLAND
MARYLAND DEPARTMENT OF AGRICULTURE

QUARANTINE ORDER OF

THE SECRETARY OF AGRICULTURE, * PLANT PROTECTION
STATE OF MARYLAND, TO PREVENT * ORDER # 19-02
THE SPREAD OF THE SPOTTED * Authority: Agriculture Article,
LANTERNFLY IN THIS STATE * § 5-304, Annotated
Code of Maryland

QUARANTINE ORDER

WHEREAS, The Secretary of Agriculture, State of Maryland, has broad powers to control, retard, or eradicate dangerously injurious plant pests; and

WHEREAS, An exotic pest, known as the Spotted Lanternfly (Hemiptera: Fulgoridae: *Lycorma delicatula* White) has been detected in this State and has a limited distribution at this time; and

WHEREAS, The Spotted Lanternfly has been determined by the Department to be a dangerous and destructive pest to the agriculture, horticulture and forests of the State of Maryland and is hereby declared a dangerously injurious plant pest;

NOW, THEREFORE, I, Joe Bartenfelder, the Secretary of Agriculture, State of Maryland, by virtue of the authority vested in me by Agriculture Article, § 5-304, Annotated Code of Maryland, on this 28th day of October, 2019, hereby **ORDER**: That a quarantine is established, subject to the following terms, conditions, and restrictions:

1. **Quarantine Area.** This quarantine applies to Cecil County and Harford County.
2. **Quarantine Period.** This quarantine is effective immediately and will remain in effect until rescinded or otherwise modified by the Secretary.
3. **Definitions.** The following terms shall be construed to mean:
 - a. "Certificate" or "certificate of inspection" means a document issued, or authorized to be issued, by the Secretary, including State-issued certificates of quarantine compliance, State phytosanitary certificates and multiple-use quarantine certificates, to allow the movement of regulated articles to any destination.
 - b. "Compliance Agreement" means a written agreement between a person moving regulated articles and the Maryland Department of Agriculture, wherein the former agrees to comply with the requirements of the agreement.
 - c. "Dangerously Injurious Plant Pest" means any plant pest of quarantine

- significance.
- d. "Infestation" means the presence of the Spotted Lanternfly in any life stage, or the existence of the circumstances that make it reasonable to believe that the Spotted Lanternfly is present.
 - e. "Inspector" means an employee of the Maryland Department of Agriculture authorized to enforce the provisions of this quarantine.
 - f. "Move," "moved," or "movement" means shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved or shipped.
 - g. "Permit" means a document issued by the Department to a person to allow the movement of regulated articles out of the regulated area.
 - h. "Person" means any association, company, corporation, firm, individual, joint stock company, partnership, society, or any other legal entity.
 - i. "Quarantine Area" means an area that includes at least one (1) infestation, or that the Secretary considers necessary to regulate because of its inseparability for quarantine enforcement purposes from localities where Spotted Lanternfly has been found.
 - j. "Regulated Articles" means:
 - i. Any life stage of the Spotted Lanternfly (*Lycorma delicatula*).
 - ii. All plant or plant parts, including the following: live or dead trees, nursery stock, green lumber, firewood, logs, perennial plants, garden plants and produce, stumps, roots, branches, mulch and composted and uncomposted chips, bark and yard waste;
 - iii. Outdoor industrial and construction material and equipment, concrete barriers or structures; stone, quarry material, ornamental stone or concrete; or construction, landscaping, or remodeling waste;
 - iv. Packing containers, such as wood crates or boxes;
 - v. Outdoor household articles, including the following: recreational vehicles; lawn tractors or mowers; grills; grill or furniture covers; tarps; mobile homes; tile; stone; deck boards; or any equipment, trucks, or vehicles not stored indoors
 - vi. Conveyances of any type, whether utilized for movement of the materials previously listed or personal use, and any trailers, wagons or other equipment attached thereto;
 - vii. Any other article, product, material, or means of conveyance, when it is determined by an inspector to present a risk of spread of any life stage of Spotted Lanternfly.
 - k. "Secretary" means the Secretary of the Maryland Department of Agriculture, or his authorized representative.
 - l. "Spotted Lanternfly" means the insect known as the Spotted Lanternfly (*Lycorma delicatula* [Hemiptera: Fulgoridae] in any stage of development.

4. Movement of Regulated Articles

- a. Individuals not conducting business, referred to as general members of the public, are not permitted to move Regulated Articles within or from the quarantine area without a checklist issued by the Department. Regulated Articles include any vehicle or conveyance. The valid signed checklist shall

accompany the Regulated Articles. The checklist is available from the Department's website and is to be completed by the individual seeking to move Regulated Articles.

- b. A permit is required for any Person conducting business requiring the movement of any Regulated Article within or from the quarantine area.
 - i. The movement of Regulated Articles without a Permit is prohibited. A person conducting business may not move any Regulated Article within or from the quarantine area without a Permit.
 - ii. Permit Process and Requirements. A Person required to obtain a permit for movement of Regulated Articles within or from the quarantine area shall comply with the following:
 - a. Designated employees shall take training provided by the Department, reciprocating state programs, or others who have completed a Train the Trainer course approved by the Department. Designated employees shall have passed an examination, administered by an employee or agent of the Department, demonstrating they have an understanding and knowledge of the pest and of the procedures necessary to prevent the spread of the pest.
 - b. Upon successful completion of the training and passing the required test, the designated employee(s) shall be responsible for training other employees of that entity and document such training.
 - c. In conjunction with taking the examination, the designated employee(s) shall record, preserve, maintain and provide to the Department as needed, at a minimum, the following information:
 - i. The name, telephone number and email address of the designated employee taking the required test.
 - ii. The legal name, address, business telephone number, and email address of the business location or locations operating within the quarantine.
 - iii. The number of vehicles and conveyances utilized.
 - iv. An attestation that the permit holder shall comply with all requirements of the Order of Quarantine and of the permit.
 - iii. Any employee responsible for driving any vehicle or conveyance, or handling, shipping, packaging, or loading any regulated article shall be trained by a designated employee who has taken the training, passed the permit exam and been issued a permit. Multiple employees in a business may take the permit training and examination, if the business deems that necessary to build sufficient training capacity within their organization.
 - iv. All Regulated Articles, including conveyances and vehicles, shall be inspected, and all egg masses and other life stages of the Spotted Lanternfly shall be removed and destroyed prior to being moved within or out of the Quarantine zone. A record of such actions shall be kept and recorded.
 - v. Regulated Articles, other than the vehicles and conveyances themselves, shall be packaged and safeguarded sufficiently, such as

- within a closed container, shrink-wrap, tight tarp, or similar covering, to maintain isolation from the environment during storage or transportation.
- vi. Any life cycle stage(s) of the insect, Spotted Lanternfly, found during any inspection shall remain within the quarantine zone, placed in a separate area away from the Regulated Articles. Final disposal of Regulated Articles shall be in a manner that does not leave material that may be infested, or allow movement of the Spotted Lanternfly
- vii. Regulated Articles must be shipped within five days of inspection, processing or treatment, and safeguarded in such a manner, as to prevent infestation.
- viii. The Secretary may request, in writing, additional information if necessary, from the permit holder, for the purpose of evaluating the potential risk to the State.

5. Discovery and Suppression of Spotted Lanternfly

- a. To prevent the introduction of, or to control Spotted Lanternfly, the Department shall seek out this dangerously injurious plant pest within the State, issue orders for control measures it deems necessary, and apply regulatory provisions of Agriculture Article, § 5-306 and 5-307.

6. Issuance of Permit

- a. Until the Department develops a permit issuing process, submission to the Department of a valid permit issued by any State issuing such permits for Spotted Lanternfly, will be accepted in satisfaction of the elements required in subsection 4.b.
- b. Upon receipt of all required information as outlined, and the successful completion of the training and testing requirements of this quarantine, the Department will:
 - i. Issue a permit to the person that has successfully completed the testing and training, with sufficient copies to display in each business location and vehicle or conveyance
 - ii. Authorize any designated employee compliant with subsection (4.b.ii), and issued a permit in accordance with the provisions of this quarantine, to train other employees of the business or entity.
- c. Maintenance of Permit
 - i. Permits shall be valid for one year from the date of issuance, with extensions permissible upon notice by the Department. A permit shall be required until such time as the quarantine is rescinded by the Department.
 - ii. A permit holder shall, prior to or immediately upon a change of information, provide the Department with notice of and describe any change to permit information previously submitted.
- d. Display of Permit and Certificate
 - i. The permit issued to the person, business, other entity shall be displayed in a visible and conspicuous place at each business, entity or individual location to which it was issued. A permit issued by the Department shall be placed in each vehicle or conveyance when being operated.
 - ii. Subcontractors and Agents

1. A person required to have a permit shall assure any subcontractor or agent of that person has also obtained the proper permit and training as applicable, prior to subcontracting with that person or allowing that person to act as a subcontractor or an agent, for activity within the quarantine area.

7. Other Movement Provisions

- a. A Regulated Article, including any vehicle or conveyance, may be shipped through the quarantine area if the Regulated Article and the vehicle and conveyance originates outside the quarantine zone and all the following criteria are met:
 - i. The points of origin and destination are outside of the quarantine area established by the Department, and are indicated on a waybill accompanying the Regulated Article.
 - ii. No point of origin is within an area of the State where the presence of the Spotted Lanternfly has been confirmed by a federal, state, or other regulatory agency.
 - iii. If moving during the period of April through December, the Regulated Article is moved into the quarantine area in an enclosed vehicle or conveyance or is completely covered such as by a tarp or full shrink-wrapping, to prevent exposure to the Spotted Lanternfly. The covering must be kept on the Regulated Article until leaving the quarantine area and thereafter be inspected, decontaminated, or destroyed.
 - iv. The Regulated Article, including the vehicle and conveyance, is moved directly through the quarantine area without stopping (except for refueling, traffic control devices, or emergency conditions) and has been stored, packed, or handled only at locations outside the quarantine area.
- b. If any other area inside or outside the State is determined by a federal, state or other regulatory agency to have the Spotted Lanternfly present, movement from that area into the State shall require a permit issued either under the provisions of the regulations, Department approved permitting process or other program carried out by the State of origin.

8. Recordkeeping

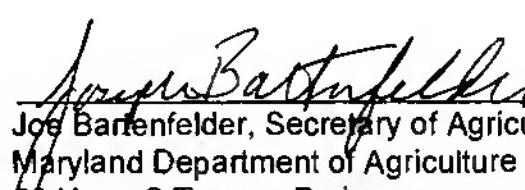
- a. Documentation of required inspections and compliance measures taken when shipping Regulated Articles, including vehicles and conveyances within or from the quarantine area, shall be kept by each individual, employee, or person conducting activity with the quarantine area. These inspection records shall include recording of any life stage finds, and method utilized for destruction of the Spotted Lanternfly.
- b. Documentation shall be kept, listing each individual trained as a designated employee as set forth in subsection 4.b.ii.
- c. Incoming and outgoing shipment records are to detail the kind and quantity of Regulated Article shipped, shipper name, date of shipment, source or destination information, and corresponding inspection treatment and mitigation records.
- d. Inspection, treatment and mitigation records, including dates and outcomes, shall be kept in accordance with this section.

- e. Records are to be maintained for a minimum of two (2) years with copies provided to the Department upon request

9. Enforcement and Appeal

- a. A person may not resist or oppose the Secretary or any authorized inspector in enforcing this Quarantine Order.
- b. An authorized inspector may call upon the assistance of any law enforcement officer to enforce this Quarantine Order.
- c. A person who violates this Quarantine Order is subject to criminal or civil penalties as provided under Agriculture Article, §5-313 and §5-314, Annotated Code of Maryland.
- d. Any person who has any questions regarding this quarantine may contact the Plant Protection and Weed Management Office by phone (410) 841-5920, or email dontbug.md@maryland.gov

Dated: October 28, 2019


Joe Bartenfelder, Secretary of Agriculture
Maryland Department of Agriculture
50 Harry S Truman Parkway
Annapolis, MD 21401
Telephone: 410.841.5880